

REMARKS

The present response is to the Office Action mailed in the above-referenced case on November 13, 2006. Claims 15-28 are standing for examination. The Examiner requests applicant submit page 1 of the IDS as it was missing in the filing of February 11, 2004. The Examiner rejects claims 15-28 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,718,366, claims 1-14 of U.S. Patent No. 6,539,419 and claims 1-14 of U.S. Patent No. 6,332,154 B2. Claims 15-28 are rejected under 35 U.S.C. 102(e) a being anticipated by Yegoshin U.S. Patent Number 6,122,365, hereinafter Yegoshin.

Applicant has carefully studied the prior art cited and applied by the Examiner, and the Examiner's rejections and statements in the instant Office Action. In response, applicant herein submits three Terminal Disclaimers in compliance with 37 CFR 3.73(b) to overcome the double patenting rejections, and a copy of the page of a previous IDS the examiner says is missing. Applicant herein provides argument clearly showing that the art of Yegoshin fails to anticipate the claims of applicant's invention.

Applicant is aware that the art of Yegoshin and the present invention have a common assignee under 35 U.S.C. 102(e). The Examiner kindly suggests that the rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Applicant chooses to argue the art of Yegoshin as applicant believes the art simply fails to teach applicant's invention, as claimed. The Examiner states: "As per claims 15 and 22, Yegoshin teaches a user support system, comprising: an interface for accepting information from outside users and for presenting information to the users (fig 1; col. 4 lines 56 et seq); and an information software configured to a specific user; wherein, upon a contact from the specific user, the information software presents to the user an interface automatically updated with available information according to the user interaction and/or

request (col. 7 lines 4-13; cal. 6 lines 45 et seq).

Applicant argues that Yegoshin's IVR does not provide data to the caller or that software is configured for a specific user. Applicant's independent claims specifically recite an interface for accepting information from outside users and for presenting information to the users; and an information software configured to a specific user.

Applicant provides the portions of Yegoshin below, relied upon by the Examiner:

An intelligent peripheral, in this case an interactive voice-response unit (IVR) 27, is provided and adapted to interface with callers placing calls arriving at switch 15. IVR 27 may use any known technology for effecting caller interaction 60 such as voice recognition, touch tone response, and so on. IVR 27 typically solicits additional information from callers and may pass such information on to a call destination via a separate digital link (col. 4, lines 56-64).

Software of the present invention as illustrated by instance 20 running on processor 17, instance 25 running on processor 19, and instance 45 running on processor 41 is adapted to work in an integrated fashion to effect a call-pulling technology wherein all incoming calls 29 and 31 are physically held at switch 15 until pulled by a destination center such as center 33 when an agent at the communication center is available for connection. Software instance 45 determines which calls 29 or 31 being held at switch 15 will be routed to switch 35 by selecting or pulling the call-data associated with a call from the published call-list maintained by software instance 25 running on processor 19 (col. 6, lines 45-56).

The data about incoming calls 29 and 31 is sent to processor 17 where software instance 20 incorporates the supplied data into a call-list that is stored and continually updated as new calls arrive at switch 15 and calls at switch 15 are connected to final destinations. Software instance 20 prepares and maintains a virtual queue system wherein only call data is available (col. 7, lines 4-13).

Applicant argues that Yegoshin, as evidenced in the above portions fails to teach or suggest an interface for accepting information from outside users and for presenting information to the users; and an information software configured to a specific user. Yegoshin merely teaches resident software and routing call data to a call destination.

Therefore, the 102(e) rejection fails and claims 15 and 22 are patentable over the art of Yegoshin. Dependent claims 16-21 and 23-28 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims are clearly patentable over the art cited and applied, applicant respectfully requests that this application be reconsidered, the claims be allowed, and that this case be passed quickly to issue.

If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
Christopher Clemmett Macleod Beck et al.

By Donald R. Boys
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
831-768-1755